



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Agenda

June 14, 2013

8:30 – 11:00 a.m.

Christopher B. Coleman,
Mayor

Saint Paul
Planning Commission

Chair

Barbara A. Wencil

First Vice Chair

Elizabeth Reveal

Second Vice Chair

Paula Merrigan

Secretary

Daniel Ward II

I. Approval of minutes of May 17th and May 31, 2013.

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

NEW BUSINESS

#13-186-635 Commodore Squash Club – Change of nonconforming use to allow private liquor service to members of existing squash club. 79 Western Avenue North and 384 Ashland Avenue, between Arundel and Western.
(*Hilary Holmes, 651/266-6612*)

V. Neighborhood Planning Committee

District 9 Area Plan Amendments – Review of public hearing testimony and final recommendation to the Mayor and City Council. (*Lucy Thompson, 651/266-6578*)

VI. Streetcar Study Update – Informational presentation by Michelle Beaulieu, PED.
(*Michelle Beaulieu, 651/266-6620*)

VII. Comprehensive Planning Committee

VII. Transportation Committee

VIII. Communications Committee

IX. Task Force/Liaison Reports

X. Old Business

XI. New Business

XII. Adjournment

Pat Connolly
Daniel Edgerton
Gene Gelgelu
William Lindeke
Kyle Makarios
Gaius Nelson
Rebecca Noecker
Christopher Ochs
Trevor Oliver
Julie Perrus
Marilyn Porter
Tony Schertler
Emily Shively
Robert Spaulding
Terri Thao
Jun-Li Wang
David Wickiser

Planning Director
Donna Drummond

**Saint Paul Planning Commission &
Heritage Preservation Commission**
MASTER MEETING CALENDAR

WEEK OF JUNE 10-14, 2013

Mon (10)

Tues (11)

3:30-5:00 p.m. Comprehensive Planning Committee
(Merritt Clapp-Smith, 651/266-6547)

13th Floor – CHA
25 Fourth Street West

Auto Body Text Amendments – Review public hearing testimony and consider recommendation to Planning Commission. *(Kate Reilly, 651/266-6618)*

Weds (12)

4:00-6:00 p.m. Shepard Davern Task Force
(Michele Beaulieu, 651/266-6620)

**St. Paul Jewish Community
Center – Conference Room**
1375 St. Paul Avenue

Open House Summary Discussion
Land Use Goals and Commercial Development Vision

Thurs (13)

5:00 p.m. Heritage Preservation Commission

Room 40 City Hall
Lower Level
Enter building on 4th Street
15 W. Kellogg Blvd.

New Business

Staff presentation on various demolition delay, demolition review and duty to maintain tools. *(Spong, 651/266-6714)*

Committee Reports

Education Committee *(Ferguson, Oertel)* – Ordinance revision discussion.

Fri (14)

8:30-11:00 a.m. Planning Commission Meeting
(Donna Drummond, 651/266-6556)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes May 17, 2013

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 17, 2013, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Shively, Thao, Wang, Wenc; and Messrs. Connolly, Lindeke, Makarios, Nelson, Ochs, Oliver, Schertler, Spaulding, and Ward.

Commissioners Absent: Mmes. *Perrus, *Porter, *Reveal, and Messrs. *Edgerton, *Gelgelu, and *Wickiser.

*Excused

Also Present: Lucy Thompson, Amy Spong, HPC, Allan Torstenson, Kate Reilly, Scott Tempel, Bill Dermody, Hilary Holmes, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes April 19th and May 3rd, 2013.

MOTION: *Commissioner Ward moved approval of the minutes of April 19, 2013. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

And

MOTION: *Commissioner Thao moved approval of the minutes of May 3, 2013. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Wenc had no announcements.

III. Planning Director's Announcements

The Acting Planning Director, Lucy Thompson, gave the report. The Metropolitan Council has approved the Greater Lowertown Master Plan. The Industrial Zoning Text Amendments public hearing is continued to July 17th. PED staff attended the first meeting of the Green Line Parks and Commons Initiative, led by the Trust for Public Land, which will work to implement the vision in the station area plans for an integrated park and open space system along the Corridor. The effort will culminate in a Green Line Parks & Commons Playbook that will contain strategies and recommendations for implementation of a coordinated system of parks and commons, including financing, incentives, ownership and stewardship.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. *(Tom Beach, 651/266-9086)*

Two items came before the Site Plan Review Committee on Tuesday, May 14, 2013:

- Twin Cities German Immersion School, building additions, new parking, 1030 Van Slyke.
- Hmong Academy, kitchen addition to existing school at 1515 Brewster Street.

Four items to come before the Site Plan Review Committee on Tuesday, May 21, 2013:

- French Meadow Bakery & Café, addition to back of existing restaurant at 1662 Grand Ave.
- Raymond/Myrtle parking lot, pave new/resurface existing parking lot at 2391 Myrtle Avenue.
- Linder's Nursery, expand, regrade and repave existing parking lot at 270 Larpeur Ave. W
- Highland Ravine Stabilization Project, stabilize eroding ravines at 1 Edgecombe Place.

OLD BUSINESS

#13-170-946 Icy Cup Farmers Market – Conditional use permit for outdoor sales. 63 George Street West, NE corner at Stryker. *(Kate Reilly, 651/266-6618)*

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

NEW BUSINESS

#13-174-966 Pope Automotive – Establishment of nonconforming use as vehicle parking accessory to auto repair garage at 991 Front Avenue, with variance of paving requirement. 977 Chatsworth Street North, between Front and Hatch. *(Bill Dermody, 651/266-6617)*

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the establishment of legal nonconforming use subject to additional conditions and denial of the variance. The motion carried unanimously on a voice vote.*

#13-173-821 Macalester College Shared Parking – Conditional use permit for shared commercial parking in an institutional parking lot. 1655 Grand Avenue, between Cambridge and Macalester. *(Josh Williams, 651/266-6659)*

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

#13-172-049 Old Home Plaza – Conditional use permit to allow a maximum height of 45 feet for new construction. 370 University Avenue West, SE corner at Western.
(Hilary Holmes, 651/266-6612)

MOTION: *Commissioner Nelson moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

Commissioner Nelson announced that the next Zoning Committee meeting on Thursday, May 23, 2013 has been cancelled.

V. Comprehensive Planning Committee

Island Station Designation – Approve resolution that the Planning Commission finds the designation of the Saint Paul Gas Light Company Island Station as a Saint Paul Heritage Preservation Site, with accompanying Preservation Program, consistent with the Comprehensive Plan and any other planning considerations. (Amy Spong, 651/266-6714)

Amy Spong, Historic Preservation Specialist, talked about the Saint Paul Gas Light Company Island Station designation process and the recommendation from the Comprehensive Planning Committee. There are three types of review that take place prior to City Council designation: 1) Planning Commission review to determine if the proposed designation is consistent with the Comprehensive Plan; 2) State Historic Preservation Office (SHPO), which provides a response on the proposed local designation; 3) Historic Preservation Commission public hearing and recommendation to the City Council. Staff has received a letter from SHPO that states they concur that Island Station is eligible for designation as a local landmark under criteria 1 and 7. They also concur that Island Station is not eligible for listing on the National Register of Historic Places. Ms. Spong clarified the difference between National Register and local listing. In Saint Paul, there are properties that are only listed on the National Register, only locally designated and both. The National Register listing is an honorary listing; it does not protect the building from demolition (with some exceptions). The local designation is where the HPC has the authority to review any exterior alterations, site changes, demolition and new construction through the design review process.

Commissioner Ward said the neighboring communities around Island Station have talked about keeping the smoke stack as a landmark for Saint Paul, and asked whether that is one of the restrictions we're looking at locally.

Ms. Spong responded that, if the building was designated as a local site, any proposals from the owner would go before the HPC, which would hold a public hearing and determine whether the proposal met the intent of the design review guidelines. The Commission has a process for how it reviews proposals.

Commissioner Ward asked whether there any other design standards the HPC can impose given its location in the river corridor.

Ms. Spong replied that this is not necessarily the purview of the HPC, but floodplain and critical area standards must be met.

Commissioner Schertler asked whether the language on page 3, the last sentence of bullet #3, is appropriate. If we're looking for something to be in conformance with the Comp Plan, it seems counter-intuitive to suggest that the on-going nonconformance use somehow meets the Comp Plan. He suggested they strike that language, because it's not relevant to whether this designation conforms with the Comp. Plan.

Ms. Spong said that the ordinance language that cites the Planning Commission's role does have a broader statement to consider *any other planning considerations*.

Commissioner Noecker said that adding the statement was her idea in talking with staff and the Comp Planning Committee, and her concern was how much more difficult designation might make the site to develop. As she understands it, if the entire building were razed, new development might actually be more difficult, because even though it is a non-conforming use, it would then have to meet stricter standards. She felt that was relevant information to provide to the Commission just to say what the impact would be if the building were gone.

Commissioner Schertler asked what the purpose of the language in here is, as to the designation.

Lucy Thompson, Acting Planning Director, said it relates to the other planning considerations the Planning Commission is supposed to explore.

AMENDMENT TO MOTION: *Commissioner Schertler moved to amend the resolution to remove the sentence "Alternatively a new development will have to meet the regulations of the Floodplain and Critical Area Overlay Districts, which have floodproofing and river set back requirements, as well as the 35-foot height limit in the underlying T2 district." Commissioner Merrigan seconded the motion. The motion carried unanimously on a voice vote.*

Commissioner Connolly asked, when pursuing local designation, what percentage of time do you have at least the indifference if not the willing participation of the property owner. Are you always in sync with where the property owner wants to go?

Ms. Spong replied no, we're not always in sync. In her experience, the Council has in very few instances designated a building against a property owner's wishes. When a historic district is established, often the Council likes to know that at least 50% of the property owners support designation.

Ms. Spong noted that, within the river corridor standards, there are exceptions for a historic structure. A historic structure is defined as either National Register contributing in a historic district, or locally designated through a certified local government program.

Commissioner Oliver asked whether staff sees any problems with implementing the plans shown in the Great River Passage Master Plan and what the property owner wants to do with the site, given the design guidelines.

Ms. Spong said that the proposed design guidelines for this site are a fairly standard template. Visions in a plan don't always go through the vetting process that the HPC would go through when a specific development proposal is made. It is difficult to look at a schematic drawing in a Comp Plan chapter and say that it complies with the guidelines.

Commissioner Oliver asked for clarification as to what the HPC feels is worth preserving – e.g. the site, the building’s architecture, the building’s location at an important spot along the river – and what implications this might have for reuse.

Ms. Spong believes that you can usually find ways to put almost any use in an historic building. There are just some uses that are better than others, and some require more change and alteration to a building and a site. However, the HPC cannot give that kind of level of certainty without a plan. Ms. Spong feels confident that some of the uses Commissioner Oliver mentioned would be very appropriate.

Lucy Thompson asked if the designation is for the building only, or for the building and the site.

Ms. Spong replied that it is for the whole parcel. There are some out-buildings on the site that are considered contributing to the site’s significance. A metal building is considered non-contributing. If someone wants to remove a non-contributing building and put something there, there’s more flexibility for that.

Commissioner Ochs is concerned that the property will be designated and nobody is going to be interested in investing money into it with a lot of restrictions. Its access to other businesses and residential areas is somewhat remote. It would really have to be a destination and, in order to make it a destination, it would require some significant modifications. He can understand recognizing and preserving the building in its general form, but if every detail must be preserved, it might make reuse difficult.

Ms. Spong responded that designation does not restrict the use of a property, nor does it require a building to be restored back to its original configuration or detailing. The guidelines do not freeze a building a time; they allow for new development and compatible changes.

Commissioner Makarios said it seems to him that designating this as a historic site is going to put restrictions on future use, making it harder to develop. The site been vacant since 1973. His understanding is that this site is not eligible for historic tax credits (Ms. Spong confirmed that this is the case). So, we’re adding additional restrictions on any developer without allowing them access to tools that help properties get over those hurdles. He thinks they are setting themselves up for failure.

Ms. Spong said that tax credits are one economic tool in order to encourage development, but they are not the only tool available that Saint Paul has.

MOTION: *Chair Wencl moved to approve the resolution (as amended above) finding that the designation is consistent with the Comprehensive Plan and any other planning considerations. The motion carried 14-0 with 1 abstention (Spaulding).*

VI. Neighborhood Planning Committee

West Grand Zoning Study – Approve resolution recommending adoption of zoning amendments to the Mayor and City Council. (Josh Williams, 651/266-6659)

Scott Tempel, PED staff, gave a brief presentation on the West Grand Zoning Study. A public hearing was held on the West Grand Zoning Study draft amendments on April 19, 2013.

Building height was identified in public testimony as a major concern, particularly for single-family residents directly across an alley from RM2 lots, and District 14 suggested further height reduction. Based on public testimony and Comprehensive Plan goals, the Neighborhood Planning Committee concluded that the number of units is less important than building height and mass in regard to the relationship between Grand Avenue apartments and adjacent single-family residential lots. The Committee recommends adding the following new language to Zoning Code Sec. 66.231 pertaining to property along Grand Avenue between Fairview and Cretin, between lines defined by the parallel alleys immediately north and south of Grand Avenue:

- (1) Building height shall be limited to four (4) stories and forty (40) feet;
- (2) The minimum lot size for units with three (3) bedrooms shall be one thousand seven hundred (1700) square feet per unit, and the minimum lot size for units with four (4) or more bedrooms shall be one thousand nine hundred (1900) square feet per unit;
- (3) Minimum side setbacks for multiple-family residential dwellings shall be nine (9) feet; and
- (4) The T2 design standards in Sec. 66.343 shall apply.

The Committee also recommends rezoning property at Grand and Cleveland from B2, BC, and RM2 to T2, and rezoning property at Grand and Fairview from B2 to T2.

Commissioner Oliver noted that the Committee memo identifies two items for additional study that are not in the resolution: 1) the impact of large new apartment buildings on the availability of on-street parking in residential permit parking districts, to be addressed in permit parking regulations; and 2) transitions from RM2 to one-family residential districts city-wide. The resolution is focused on the West Grand Zoning Study initiated by the City Council. While some of the issues in the study area are unique, the relationship of RM2 dimensional standards to adjacent single-family districts is not entirely unique.

Commissioner Noecker said she thinks the Committee recommendation is backing down from Comprehensive Plan language for higher density in response to neighborhood pressure. She understands adjusting the RM2 height standard, which she agrees may be a city-wide issue, but does not agree with changing the minimum lot area.

Commissioner Spaulding discussed the history and unique context of student housing issues in the study area. The recommendation is for a relatively small increase in minimum lot area per unit for 3- and 4-bedroom units, and no change for smaller units, consistent with existing development. Everyone agreed that a 9-foot side setback requirement would be more consistent with existing development along Grand Avenue. District 14 developed their recommendation for design standards through their Corridor Development Initiative process. The Committee tried to address both Comprehensive Plan goals and neighborhood concerns.

Commissioner Lindeke said the impact of large new apartment buildings is parking. The kind of apartment buildings historically on Grand, which are consistent with the kind of development and density most people would like, often had little parking. We should get past minimum residential parking requirements and look at options such as car sharing, especially suitable for students. Some places give residents of a building a pass for car sharing and require that they not have their own car.

Commissioner Ward said that the issues need to be looked at globally, what's best for the city as a whole. If we want to grow as a city and have more commercial and housing development, we need to facilitate it, not further restrict it.

Commissioner Nelson noted the balance in the Committee recommendation. Reducing the side setback requirement to 9 feet, in addition to being more consistent with existing development along Grand and helping create a better urban form, also helps to balance the impact of reducing maximum height from 50 feet to 40 feet.

Commissioner Oliver said the Comprehensive Plan goals for density are not just greater density for density's sake, but to support broader community goals. New higher-density development needs to be compatible with the immediate area, which is the balance the Committee has tried to achieve, recognizing the unique context of the study area. The proposed T2 zoning at Cleveland and Fairview would provide for higher density mixed-use development at these commercial nodes.

MOTION: *Commissioner Oliver moved to approve the resolution recommending zoning text amendments pertaining to development standards for RM2 districts in the West Grand study area and rezoning of property at the Grand-Cleveland and Grand-Fairview intersections. The motion carried unanimously on a voice vote.*

Commissioner Oliver announced the items on the agenda for the next Neighborhood Planning Committee meeting on Wednesday, May 22, 2013.

VII. Transportation Committee

Commissioner Spaulding announced the items on the agenda for the next Transportation Committee meeting on Monday, May 20, 2013.

VIII. Communications Committee

Commissioner Thao had no announcements.

IX. Task Force/Liaison Reports

None.

X. Old Business

None.

XI. New Business

None.

XII. Adjournment

Meeting adjourned at 9:53 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Lucy Thompson
Acting Planning Director

Approved _____
(Date)

Daniel Ward II
Secretary of the Planning Commission

PED\butler\planning commission\minutes\May 17, 2013

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes May 31, 2013

A meeting of the Planning Commission of the City of Saint Paul was held Friday, May 31, 2013, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Merrigan, Noecker, Perrus, Porter, Reveal, Shively, Wang, Wencl; and Messrs. Connolly, Edgerton, Gelgelu, Lindeke, Oliver, Schertler, Spaulding, Ward, and Wickiser.

Commissioners Absent: Ms. *Thao, and Messrs. *Makarios, *Nelson, and *Ochs.
*Excused

Also Present: Donna Drummond, Planning Director; Allan Torstenson, Kate Reilly, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes May 17, 2013.

Chair Wencl announced that the minutes are not available at this time. However they will be ready for approval at the June 14, 2013 meeting.

II. Chair's Announcements

Chair Wencl had no announcements.

III. Planning Director's Announcements

Donna Drummond announced that she had sent out an email to the Planning Commissioners asking if they wanted to become a member or renew their membership with the American Planning Association (APA). As Planning Commissioners they are given a special group membership rate so unlike in previous years the membership fee needs to be sent in as a group. Commissioners will need to make check payable to: City of Saint Paul. Checks will be accepted today and at the next Planning Commission meeting.

IV. PUBLIC HEARING:

Chair Wencl announced that the Saint Paul Planning Commission was holding a public hearing on the Auto Body Text Amendments. Notice of the public hearing was published in the Legal Ledger on May 20, 2013, and was mailed to the citywide Early Notification System list and other interested parties.

Chair Wencl read the rules of procedure for the public hearing.

The following people spoke.

1. Mr. Peter Latuff, owner of Latuff Brothers Auto Body shop at 880 University Avenue, said he is concerned about the requirement for closed service bay doors, and asked how auto body shops differ from a mechanical shop, muffler shop or any other auto service shop. They all use the same tools and the noise level of an auto body shop is very low. All painting is done inside a closed booth, and they're regulated by OSHA and the EPA. Mr. Latuff asked about the goal of the draft amendments and whether they are citywide.

Donna Drummond, Planning Director, said that the proposal is to add auto body shop as a conditional use in the T4 Traditional Neighborhood District and B3 General Business District, so that would be citywide where ever those districts are located.

Mr. Latuff asked about the reason for the requirement for closed service bay doors.

Kate Reilly, PED staff said it's to address any potential for noise and pollutant type issues.

Chair Wencil suggested that Mr. Latuff give his rationale as to when he thinks that service bay doors should be left open rather than closed as this amendment proposes.

Mr. Latuff said that most shops in the Twin Cities area run with their doors open during the summer period because they are not air conditioned. Bringing cars out of the paint booth that are 160 degrees into an enclosed building with the door shut it is going to heat the building up immensely. His building has air conditioning but he is worried about the businesses that don't have air conditioning. And even though he has air conditioning in his building the fact is that people like to have the doors open in the spring to get some fresh air after being closed up all winter. A body shop it is no noisier than a muffler shop or a mechanical shop; they use the same ratchets, air guns and other tools. As for trash, he does not have a problem putting his trash in an enclosed dumpster, but enclosing it with a fence can create a problem when there is a need to move snow away from the fences so they can get in.

Commissioner Connolly asked about Mr. Latuff's opinion on requiring that vehicles waiting to be repaired must be stored within an enclosed building, and his opinion about the 10 foot buffer area with screen planting.

Mr. Latuff replied that a 10 foot buffer could be done but may mean loss of valuable limited space. A solid fence would be a target for graffiti so maybe a chain link fence with some plantings in front would be effective and more attractive.

Commissioner Connolly asked about the idea of cars being stored inside.

Mr. Latuff said that at night they put everything inside their two buildings, but customer and employee cars are parked outside during the day.

Commissioner Porter if having the doors closed would effect ventilation and air quality.

Mr. Latuff said in his shop they change the air 8 times an hour so it won't affect his shop. His concern is for small shops with 2 or 3 employees that don't have the resources to put in a ventilation system, where having the doors closed would be stifling.

Ms. Drummond clarified that any new requirements would not be applied to an existing business; they would be legally nonconforming.

Commissioner Oliver asked if Latuff's shop takes in salvage title vehicles to work on.

Mr. Latuff said no. Most collision repair centers just do insurance type repairs and do not deal with salvage title cars.

2. Ron Fiscus, with Landscape Partners representing ABRA Auto Body and Glass at 1190 University Avenue, said he began to work with City staff in 2011 about ways that they might modify the zoning ordinance to allow ABRA and ABRA-type collision centers to continue to operate in places like University Avenue. Most communities deal with collision centers as conditional commercial uses in business districts rather than as industrial uses. The conditional use permit process provides for case-by-case consideration in the context of a particular site and area, to address neighborhood concerns and special circumstances and conditions. Insurance companies want collision centers in high profile business areas to make sure that their clients are going to a clean, easy to find location and are well treated after an accident. ABRA has overcome the stereotype of auto body repair as being a back alley greasy place with auto parts laying all over the place. Mr. Fiscus has talked with City staff about the issues that are critical for auto body repair to be an appropriate use in a T4 zoning district, such as all vehicle repairs in a building, all storage of vehicles within an enclosure (not necessarily in a building but behind a wall or fence), noise and odor control, and sufficient site size. Regarding the particular context of the ABRA site on University Avenue in a T4 traditional neighborhood district intended for higher density development, both ABRA and the property owner are interested in developing the University Avenue frontage of the property for higher density potentially mixed use. The ABRA building is far back on the parcel, which is large enough for such development. ABRA is frequently involved with neighborhood redevelopment and fits in well as part of mixed-use projects such as a high-end commercial-residential Buckhead neighborhood development in Atlanta, a lifestyle commercial center adjacent to residential in the Stapleton Airport redevelopment project in Colorado, and a neighborhood shopping center in Colorado Springs.

Commissioner Ward asked who owns the ABRA property in Saint Paul.

Mr. Fiscus said that ABRA is in a lease situation, and typically has 10-20 year leases.

Commissioner Ward asked about fencing and security concerns if vehicles are outside at night.

Mr. Fiscus said if there isn't a fence or other means of restricting access there would be concern about leaving the cars out at night. ABRA has been using vinyl fences rather than chain link fences, and has found that they work well. It's sort of out of sight out of mind, if there's a 6 foot or 8 foot fence and there isn't great visual access as to what is going on inside the fence then they have very few problems. To an extent they do move cars inside at night but they don't have any particular problem with storing vehicles outside as long as they are enclosed with a screening fence.

Commissioner Connolly asked about the impetus for the study.

Donna Drummond, Planning Director, said that the study was initiated because the ABRA site on University Avenue fell into a sort of zoning limbo. The Central Corridor Zoning Study was able to address a lot of existing facilities like Mr. Latuff's because they became legal nonconforming uses. ABRA was an accessory use to an auto dealership and when the dealership went away the City Council approved an interim use permit. When it expired at the end of last year, the council renewed it and asked the Planning Commission to look at the zoning to see what might be done to allow such uses. An interim use can't go on forever.

Commissioner Noecker asked about the 30,000 square foot lot area minimum. If a shop meets all of the other criteria why does the lot need to be a certain size?

Mr. Fiscus said there was concern that lots be large enough to handle the vehicle load on something close to the peak day after the first snowfall of the season. 90% of customers come in by appointment so they can adjust how many vehicles are on the site at any given day to some extent, but they still need to handle those peak loads. They want to avoid shops getting overloaded and having cars parked on adjacent streets.

Commissioner Noecker asked if condition (b) requiring all cars awaiting repair to be in an enclosed area would be adequate to avoid that problem.

Mr. Fiscus said sometimes zoning standards can help to avoid a problem. City staff proposed a minimum lot size and they have no objection to it. 30,000 square feet is smaller than typical ABRA sites and large enough to provide for ample site size.

Commissioner Edgerton said that he knows that it doesn't apply to existing shops, but would many of the existing smaller shops not meet the 30,000 square foot minimum.

Allan Torstenson, PED Staff said that conditions (b) through (e) would apply only in traditional neighborhood, business, and IR districts. Most existing smaller auto body shops are in I1 or I2 districts where the minimum lot size standard wouldn't apply.

Commissioner Spaulding asked about alternatives to text amendments to deal with auto body shop issues.

Mr. Torstenson said that some existing auto body shops along University Avenue became nonconforming uses under new T district zoning. Because of a history of problems with some auto body shops in neighborhood locations, the Zoning Code was amended in the 1980s to eliminate auto body shops as a principal use permitted in B3, which also made a lot of existing auto body shops nonconforming. The Zoning Code reasonably provides for existing legal nonconforming uses to remain until they are discontinued but prevents new ones, thus gradually bringing uses into conformance while auto body shops and collision repair are needed services, nice to have in convenient locations, zoning amendments over the years have substantially limited options for them to be located in commercial areas. What we are doing now is stepping back and asking whether auto body shops should be permitted only in industrial districts or also permitted in B3 and T4 districts with appropriate standards and conditions to provide for the kind of collision repair services that may fit well in more convenient locations in commercial areas without creating problems.

Mr. Fiscus said that an interim use can't go on forever, which creates practical problems for the existing ABRA business in a T4 district along University Avenue. Permitting them to be there with a conditional use permit provides for special conditions so the use fits the particular location.

3. Chuck Repke, representing the District 2 Community Council, said they oppose the proposed changes to Section 65.701 because opening up the zoning code to allow auto body shops does nothing to improve commercial business districts and will have a negative impact. The problems with odors, noise, and unsightliness that generated neighborhood complaints resulting in the City restricting new auto body shops to industrial area thirty years ago are still true today, and the proposed standards and conditions will do nothing to improve the situation. Standard (a), a ten foot buffer area, will do nothing to protect residential uses in traditional neighborhood or commercial zones or non-industrial uses that would be adjoining this use. The lack of any substantial proposed distance separation between the auto body shop property and residential property will have a major negative effect on the enjoyment of surrounding property. Standard (b), that all repair work shall be done within an enclosed building and vehicles awaiting repair stored within an area enclosed by wall or fence, demonstrated that auto body work is ugly and would be detrimental to the neighborhood. Instead of requiring a well-designed brick wall the standard would allow a fence that provides opaque screen, such as a cyclone fence with ugly vinyl slats. There is no proposed standard or condition to regulate the location of the required enclosed wall or fenced area. Condition (c), doors to repair service bays shall be closed, is unenforceable. District 2 cannot understand what benefit there would be to designate auto body shop as a conditional use in the TN4 traditional neighborhood district and in the B3 general business district. There are no residential or non-auto related commercial uses that want to be located adjacent to auto body repair shops. Every land owner in Saint Paul has been protected for the last 30 years from this use appearing next to their property outside of industrial areas. With this proposed change that protection is gone for the benefit almost no one. This appears to be an effort to appease one auto body franchiser that is recognized as a national leader. To assume that all auto body shops would operate to their standard would be foolish.

Chair Wencil noted that a letter from the District 1 Community Council, a letter from the Payne Phalen District 5 Planning Council, and written testimony from Chuck Repke, District 2 Community Council, has been received.

MOTION: *Commissioner Merrigan moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, June 3, 2013, and to refer the matter back to the Neighborhood Planning Committee for review and recommendation. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

V. Zoning Committee

SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

Two items came before the Site Plan Review Committee on Tuesday, May 28, 2013:

- Great River School, 5,000 square foot classroom addition at 1326 Energy Park Drive.
- J&P Trading Company, 30,000 square foot warehouse addition at 295 State Street.

Two items to come before the Site Plan Review Committee on Tuesday, June 4, 2013:

- BNSF-Midway Hub Paving Drainage (Phase 6), replace pavement and install storm sewer improvements in rail yard at 1701 Pierce Butler Route.
- Brackey Stormwater Improvements, regrade, pave and install stormwater improvements on portions of vacant parcels at 1360 Rice Street.

NO BUSINESS

VI. **Capitol Region Watershed District: Overview of Purpose, Requirements, and Effect on Development** – Informational presentation by Mark Doneux, Administrator, Capitol Region Watershed District.

Mark Doneux, Administrator, Capitol Region Watershed District gave an overview of purpose, requirements and effect on development. He said that they are a special purpose unit of local government and their boundaries are based on the watershed or drainage boundaries. Their purpose is to manage water resources. The Watershed District law in Minnesota has been around since the 1950's and currently there are about 49 watershed districts throughout the state of Minnesota. Their board is appointed by Ramsey County. They plan and design building management projects, and own and operate drainage systems. For example, the Capitol Region Watershed District (CRWD) owns and operates the Trout Brook storm sewer. The CRWD regulates development as it relates to water management. They are funded primarily through a tax levy, but also can borrow funds and accept grants.

Mr. Doneux showed a map of the 14 metropolitan area watershed districts currently in place. CRWD was formed in 1998, by a citizen petition of neighbors around Como Lake who were looking for improved water management in Como Lake watershed. They petitioned the state of Minnesota to form a watershed district. The CRWD management plan was updated in 2010, and that management plan really guides their activities and programming. Physically, the district includes about 41 square miles and portions of 5 cities. The Mississippi River is their primary receiving water, and there are 5 lakes and numerous wetlands in the district. The watershed district is 42% impervious, which is one of the challenges they face. Some of the challenges include population density as 1 out of 20 Minnesotans live within the Capitol Region Watershed District even though it is very small. Working with people and educating the public is important. Almost all of the water features in the district have been lost over time, with landscapes that have been highly altered. Their projects and programs focus on reducing run off and improving water quality. The district initially created review criteria for new development and worked with the City's site plan review process to make recommendations for water quality improvement. This was eventually followed by the establishment of regulations and permits for new development that must be received from CRWD. They have been issuing permits for 7 years, which is a total of almost 200 permits or roughly 30 permits a year. They have been able to treat 1100 acres of land in their watershed through these developments.

Maintenance is required on all of storm water management practices; some have higher levels of maintenance and some have lower, but they all require maintenance. For public projects they negotiate a memorandum of agreement with the public agency regarding maintenance. For private projects they record a maintenance agreement that stays with the property so if it is sold

the agreement rides with the property. Capitol Region Watershed District is in the early stages of trying to develop a maintenance cooperative, especially for smaller properties. Large developments like Menards and Target hire companies that do all of the maintenance for them. The concern is with smaller businesses that often don't have the expertise or time to manage maintenance. A cooperative could result in a more efficient, lower cost, and consistent maintenance system.

Commissioner Reveal said that in the West Side Task Force's work on an updated master plan, stormwater treatment is becoming the most significant issue. They are working on trying to blend public art, public amenity and stormwater treatment alternatives with new technologies. She hopes that Capitol Region Watershed District will keep in mind these types of approaches to stormwater management.

Commissioner Schertler noted the City's decision to do sewer separation years ago and reduce stormwater flooding with a centralized system instead of focusing on treating stormwater on individual properties. He wondered about the costs and benefits of both approaches. Second, he noted the challenges of reinvesting in built cities and is there concern that we are adding another barrier to investment in the core with these regulations? We are shifting the cost of achieving this overall community benefit to property owners who are redeveloping.

Mr. Doneux said there are regional stormwater systems with regional banks that are being evaluated. Those are used more as a bank when specific sites can't provide on-site treatment. However, stormwater is not waste water and you could do it regionally, completely on a regional basis but it's kind of the opposite of waste water and treating it where it lands initially is the most effective. When that is not possible there are backup systems like the regional approaches.

Commissioner Lindeke asked where the money for the CRWD budget comes from.

Mr. Doneux said that a lot of it is coming from the state of Minnesota, citing the example of the major reconfiguration of the storm sewer system along 35E for the new Cayuga Bridge. So a big chunk of the budget for this year is a reimbursement from the Department of Transportation for that project. They also have some clean water legacy grants and some other partner funding. Typically 75% of their budget or revenue comes from their tax levy.

Commissioner Edgerton said he doesn't think there has been a solid cost benefit analysis of the regional treatment. He talked about the kind of regional collection and treatment that doesn't dump it into the river, but reclaims it for reuse as grey water

Commissioner Wencil said that we have experienced about 15-years of rain gardens and the earlier rain gardens seem to be of one design. Now there are some more creative plans for rain gardens, but what about the maintenance and upkeep for the older gardens?

Mr. Doneux said the approach now is to create a design that considers the maintenance and who is doing the maintenance. Some of the early rain gardens may have been over designed. They have really reduced the number of plant species to 3, 4 or 5 and they're even starting to move toward shrubs. Shrubs have the advantage that when they leaf out they hide a little trash. Ultimately the owner is responsible for maintenance, which is why this maintenance cooperative concept is a way to make it easier for owners.

Mr. Drummond noted that Wes Saunders-Pearce, the Water Resources Coordinator for the City, was present and had given a presentation earlier in the year to the Planning Commission on the Central Corridor Green Infrastructure Study that is underway. She said the study will be concluding sometime this year and Wes would be invited back to give a presentation on the results of that study.

VII. Comprehensive Planning Committee

No report.

VIII. Neighborhood Planning Committee

Commissioner Oliver announced that the next Neighborhood Planning Committee meeting on Wednesday, June 5, 2013 has been cancelled.

IX. Transportation Committee

Commissioner Wang announced that at their last meeting they got update on Kellogg bridge work and an update on the Streetcar Feasibility Study. And the next Transportation Committee meeting for Monday, June 3, 2013 has been cancelled.

X. Communications Committee

No report.

XI. Task Force/Liaison Reports

No reports.

XII. Old Business

None.

XIII. New Business

None.

XIV. Adjournment

Meeting adjourned at 10:15 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Daniel Ward II
Secretary of the Planning Commission

PED\Butler\planning commission\minutes\May 31, 2013



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

**Tuesday, June 18, 2013
2nd Floor Conference Room
375 Jackson Street, Suite 218**

| <u>Time</u> | <u>Project Name and Location</u> |
|-------------|---|
| 9:00 | Community Dental Care 1236 Arcade Street Improvements to existing parking Lot |
| 9:30 | Union Depot East Parking Lot 655 Kellogg Blvd East Expand existing parking lot and make improvements to existing lot |
| 10:15 | Regional Ball Park 310 5 th Street East First phase of demolition for new regional ballpark (Remove Gillette building) |
| 11:15 | Hamline Station 1333 University Avenue West New mixed-use development |

Applicants should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

Parking

A few free parking spaces are available in our visitor parking lot off of 6th Street at Jackson. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4th and 5th Street.

If you have questions, please contact Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

**Tuesday, June 11, 2013
2nd Floor Conference Room
375 Jackson Street, Suite 218**

| <u>Time</u> | <u>Project Name and Location</u> |
|-------------|--|
| 9:00 | Johnson Parkway Apartments 324 Johnson Parkway Improvements to existing parking lot (Building will be converted from nursing home to 68-unit apartment building. Most of the work on the building will not affect the site.) |
| 9:30 | Ramsey Hill Senior Living 484 Ashland 61-unit assisted living (Remodel existing building and construct addition) |
| 10:15 | O'Reilly Auto Parts 1318 Larpenteur Avenue West New Retail Store |

Applicants should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire Inspections, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

The meeting room is on the skyway level and 25' to your left as you get out of the elevator.

Parking

A few free parking spaces are available in our visitor parking lot off of 6th Street at Jackson. Tell the security guard that you are coming for a meeting with DSI. Parking is also available at on-street meters. The closest parking ramp is on Jackson one block south of our office between 4th and 5th Street.

If you have questions, please contact Tom Beach at 651-266-9086 or tom.beach@ci.stpaul.mn.us.

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, June 6, 2013 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF MAY 9, 2013, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

NEW BUSINESS

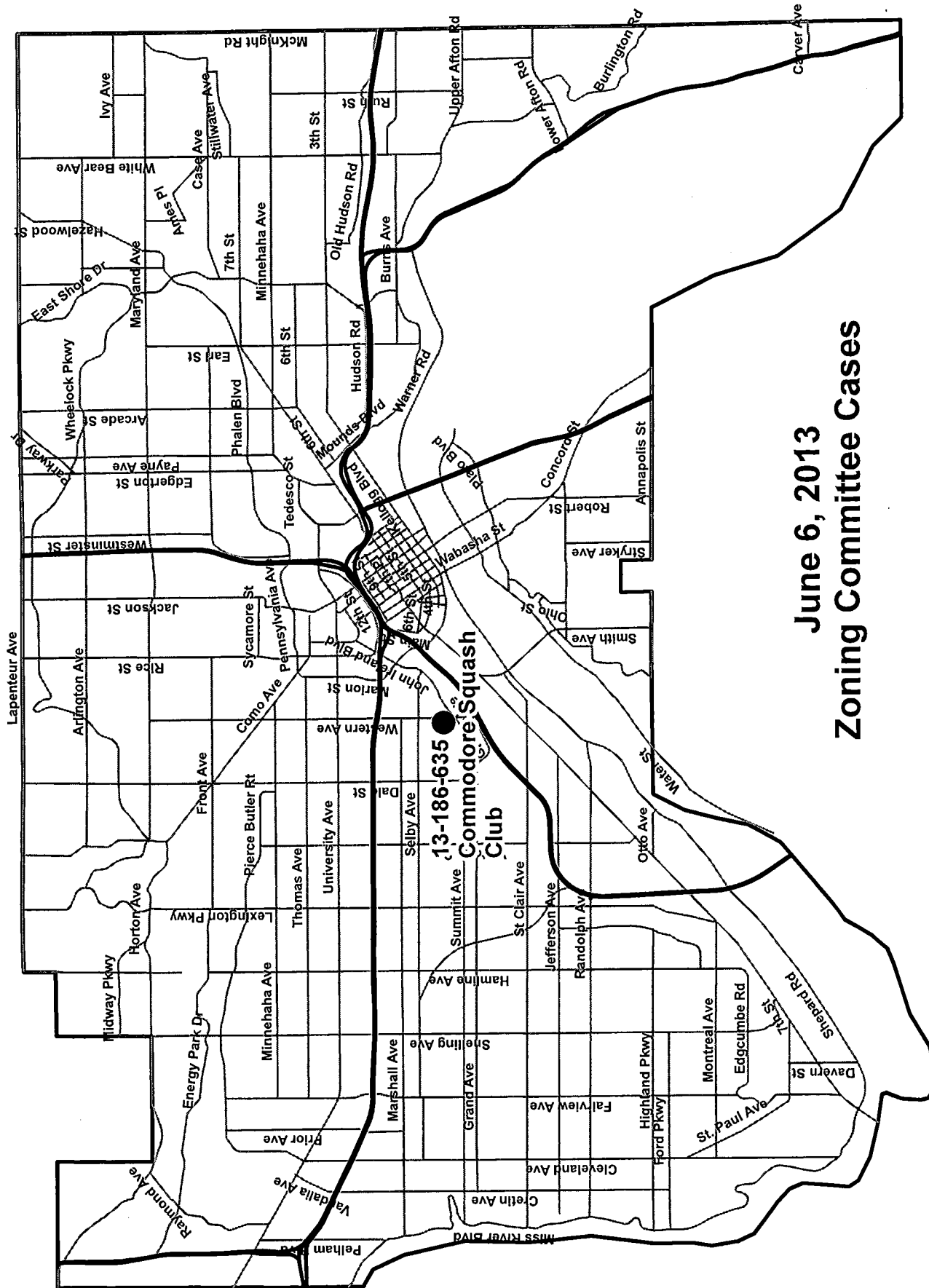
- 1 13-186-635 Commodore Squash Club**
Change of nonconforming use to allow private liquor service to members of existing squash club
79 Western Ave N & 384 Ashland Ave, between Arundel and Western
RM3
Hilary Holmes 651-266-6612

ADJOURNMENT

Information on agenda items being considered by the Zoning Committee can be found online at www.stpaul.gov/ped, then Planning, then Zoning Committee.

ZONING COMMITTEE MEMBERS: Call Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



June 6, 2013 Zoning Committee Cases

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Commodore Squash Club **FILE #** 13-186-635
 2. **APPLICANT:** Commodore Squash Club **HEARING DATE:** June 6, 2013
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
 4. **LOCATION:** 79 Western Ave N, between Arundel and Western
 5. **PIN & LEGAL DESCRIPTION:** 012823240220, Woodland Park Addition to St Ex Garage Parcel Below Elev 222.57 Ft Thru 240.15 Ft St Paul Datum As Desc In Doc No. 2084985, The Fol; Vac Alley Accruing & S 6.29 Ft Of W 31.25 Ft, Ex E2.35 Ft Of N 131.76 Ft, Lot 19, E 20 Ft Of Lot 17 & All Of Lot 18 Blk 13; 021823240245, Woodland Park Addition to St. Paul Vac Alley Accruing Subj to Ests the Fol Subj to Alley Lot 5 of Lots 3 & 4 Blk 13. *PIN 012823240075 is not included.*
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RM2, RM3
 7. **ZONING CODE REFERENCE:** §62.109(c)
 8. **STAFF REPORT DATE:** May 28, 2013 **BY:** Hilary Holmes
 9. **DATE RECEIVED:** May 16, 2013 **60-DAY DEADLINE FOR ACTION:** July 15, 2013
-

- A. **PURPOSE:** Change of nonconforming use to allow private liquor service to members of existing squash club.
- B. **PARCEL SIZE:** Club: 143 ft x 120 ft (17,850 sq ft) Parking lot: 150 ft x 150 ft (22,205 sq ft)
- C. **EXISTING LAND USE:** Health/sports club
- D. **SURROUNDING LAND USE:** The property is surrounded on all sides by a mix of residential uses.
North: Residential uses (RM2)
East: Residential/Institutional uses (RM2, RM3)
South: Residential uses (RT2)
West: Residential uses (RM2, RT2)
- E. **ZONING CODE CITATION:** §62.109(c) authorizes the Planning Commission to allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** A one-story garage was built on the site in 1925 for the Commodore Hotel and remodeled into classroom/office space in 1967 (DSI Building Permit history). Dwellings at 399-407 Holly Avenue (immediately south of the classroom/office) were demolished in 1968 and a zoning application for a 24 space parking lot approved in 1972. The classroom/office building was expanded onto the parking lot in 1976 to accommodate the squash club, which has been in continuous use since that time. In 1992, the club held liquor licenses for *Liquor on Sale-Over 100 seats* and *Liquor on Sale-Sunday*. In 1994 the club held a *Malt on Sale* (3.2) liquor license, which expired in 1998.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council had not made a recommendation at the time of this staff report.
- H. **FINDINGS:**
 1. The squash club is located at the west and rear of the Commodore Condominium building and has been in continuous use as a member-only club since 1976. The hours of operation are currently 5:30 a.m.-10:00 p.m. and are not proposed to change, with the exception of private events in which case the club would be open until 12:00 midnight. The club has a secured entrance. The club currently has 105 members. Invited guests of members are allowed, accompanied by the member. A liquor license would be accessory and specific to the squash club.
 2. Section 62.109(c) states: *The Planning Commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming*

use is first allowed, if the commission makes the following findings:

- a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. The proposed use will remain a squash club, with an accessory liquor license for private liquor service to members. This is equally appropriate to the neighborhood as the existing nonconforming use since it does not intensify the primary use. Health/sports club (the squash club) is first permitted in the T2 traditional neighborhood district, whereas golf clubs that include private liquor service to members are first permitted as a conditional use in single-family residential districts.
- b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The traffic patterns associated with the proposed use will be similar to those generated by the existing health/sport club use. The parking requirement is based on the primary use as a health/sport club, which remains the same; therefore the parking requirement will not change.
- c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The use will be consistent with the existing character of the neighborhood and will not endanger the public health, safety, or general welfare. It is an accessory service to an existing and limited membership club and is not dissimilar from the variety of mixed commercial and event uses along Selby Avenue and Summit Avenue.
- d. *The use is consistent with the comprehensive plan.* This finding is met. The Land Use Chapter in the Comprehensive Plan identifies the strategy to target growth in unique neighborhoods by "sustaining the character of Saint Paul's existing single-family neighborhoods while providing for the growth of mixed-use communities." The proposed use is consistent with Policy LU 1.7 to "permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods." Western Avenue is identified as a Residential Corridor; Residential Corridors are predominately characterized by medium density residential uses that connect to adjacent commercial areas. Therefore the proposed use is consistent with the Comprehensive Plan.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Change of nonconforming use to allow private liquor service to members of the existing squash club subject to the following additional condition(s):

1. Liquor service shall be limited to daytime and evening squash club hours of operation, with no liquor service after 12:00 midnight.

RECEIVED

MAY 16 2013



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Per _____

Zoning Office Use Only

File #: 13-186635

Fee: 700.00

Tentative Hearing Date: 6-6-13

PD=8

012823 24 0220

012823 24 0245

APPLICANT

Name Commodore Squash Club

Address 79 Western Ave North

City St. Paul St. MN Zip 55102 Daytime Phone 651-228-1446

Name of Owner (if different) John O'Brien

Contact Person (if different) _____ Phone _____

PROPERTY LOCATION

Address/Location Same as Above

Legal Description Commodore Squash Club

Current Zoning RM3

(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☒ Change from one nonconforming use to another (para. c)
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☐ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use Health + Sports Club / Squash

Proposed Use Same, but with a Club Liquor License.

Attach additional sheets if necessary

We are a small private club with roughly 120 members, planning to grow to a cap of 200 members. We had a 3.2 License in 1997, but let it lapse. Please see supporting documents.

Attachments as required ☐ Site Plan

☐ Consent Petition

☐ Affidavit

Applicant's Signature M. John O'Brien Date 5/16/13 City Agent add



Dear St. Paul Planning Commission,

April 26, 2013

My name is Michael John O'Brien, and I am the owner of the Commodore Squash Club, established in 1976. We are a small private club with fewer than two hundred members. I respectfully request that you, please, approve a change from one nonconforming use to another. I wish to obtain a Club Liquor License so as to provide the sale of liquor by the glass for consumption on the premises to bona fide members and guests. To help with your "findings," I will briefly address each of the following issues:

- The proposed use is equally appropriate or more appropriate to the neighborhood than the existing use.
This is true primarily because the proposed use is exactly the same as it is now, except that members and guests will be able to enjoy a quiet beer after a match.
- The traffic generated by the proposed use is similar to that generated by the existing nonconforming use
This also is true, but for the likelihood that there will be somewhat fewer traffic and parking issues in the neighborhood because members won't have to drive off to a bar somewhere for a drink.
- The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare
This is true as well. Only members and guests are allowed inside the locked clubhouse door. Our club generally closes at 10:30 pm, and we are happy to observe a midnight cutoff on those rare occasions when we have a special event.
- The use is consistent with the comprehensive plan
I believe the comprehensive plan must be to support local reputable businesses whenever possible. Mine is a modest request I make on behalf of my members.

I am attaching information related to parking, legal descriptions of the property, as well as a site plan of the clubhouse. Included is a check for \$700. I doubt a parking variance is in order, as I own 44 parking spaces directly outside the front door of the clubhouse, plus an easement over an additional 38 adjoining for those rare times we require more parking.

Respectfully Submitted,

M. John O'Brien

M. John O'Brien
Owner of the Commodore Squash Club
79 Western Avenue North,
St. Paul, MN, 55102
651-228-1446



RECEIVED

MAY 16 2013

Per _____

May 16, 2013

Hello Commodore Condominium Association,

My name is John O'Brien, and I am the owner of the Commodore Squash Club, <http://www.commodoresquashclub.com>. For those of you who do not know me, I am writing to introduce myself, and to let you know of some modest plans I have for the squash club, located right behind you at 79 Western Ave, N., St. Paul, MN, 55102. Since you are my closest neighbors, I want to keep you informed, and possibly enlist your help going forward should there be any concerns. As a general rule, I have found in life it helps to keep people in the loop.

In short, I am working with City Zoning, the City Council, the St. Paul Planning Commission, and the Summit University Planning Council, to change from one non-conforming use permit to another. It is the first step in a process which would eventually lead to a "Club Liquor License," and the legal consumption of alcohol at the squash club. To qualify, a club must be registered with the state, be at least five years old, and have at least fifty members; all of which we meet. As a resident of nearby Crocus Hill, I share your pride that we live in a peaceful and historic part of St. Paul. I anticipate obtaining this license will have minimal impact on the quiet character of our neighborhood, and only enhance the genteel nature of the Commodore Squash Club. This process will bring my tiny club more into the public view, which is just fine. I hope doing so will create a greater awareness of my business, and attract new customers. My plan is to offer a very limited selection of beverages to members during normal business hours.

Some of you may remember back in 1997 I obtained a 3.2 beer license. I let it lapse shortly thereafter concluding I was not particularly interested in selling 3.2 beer. I sold not one! Two years ago I hired a terrific head squash pro moving from Atlanta, Jeff Mulligan, who has helped rejuvenate the club. We are growing and having a lot of fun, focusing not only on squash but also on enhancing club amenities. Simply put, we would like to enable our members and guests to enjoy a quiet drink after a match. I do not view this as a major safety concern, or threat of any kind. We keep our doors locked, and will not have liquor available without staff on site. Club hours are from 5:30 am to 10 pm. Presently, we have around 120 members, and plan to cap membership at 200 given the small size of our facility. I own roughly two thirds of our parking lot, more than enough for club needs, except for those rare instances, perhaps five per year, when a tournament or large squash event results in some spillover to your side of the lot. Even at full capacity we would remain a small club, composed primarily of a professional clientele that loves squash.

I invite all of you to arrange a time for a visit with Jeff at 651-228-0501, so that you can see for yourself what a lovely club we have. He is keen to introduce people to this worldwide sport, and would be delighted to meet with you. Members travel from all around the metropolitan area to play squash here, and you live right next door! I hope you will be supportive of my modest initiative, and reacquaint yourself with our beautiful club.

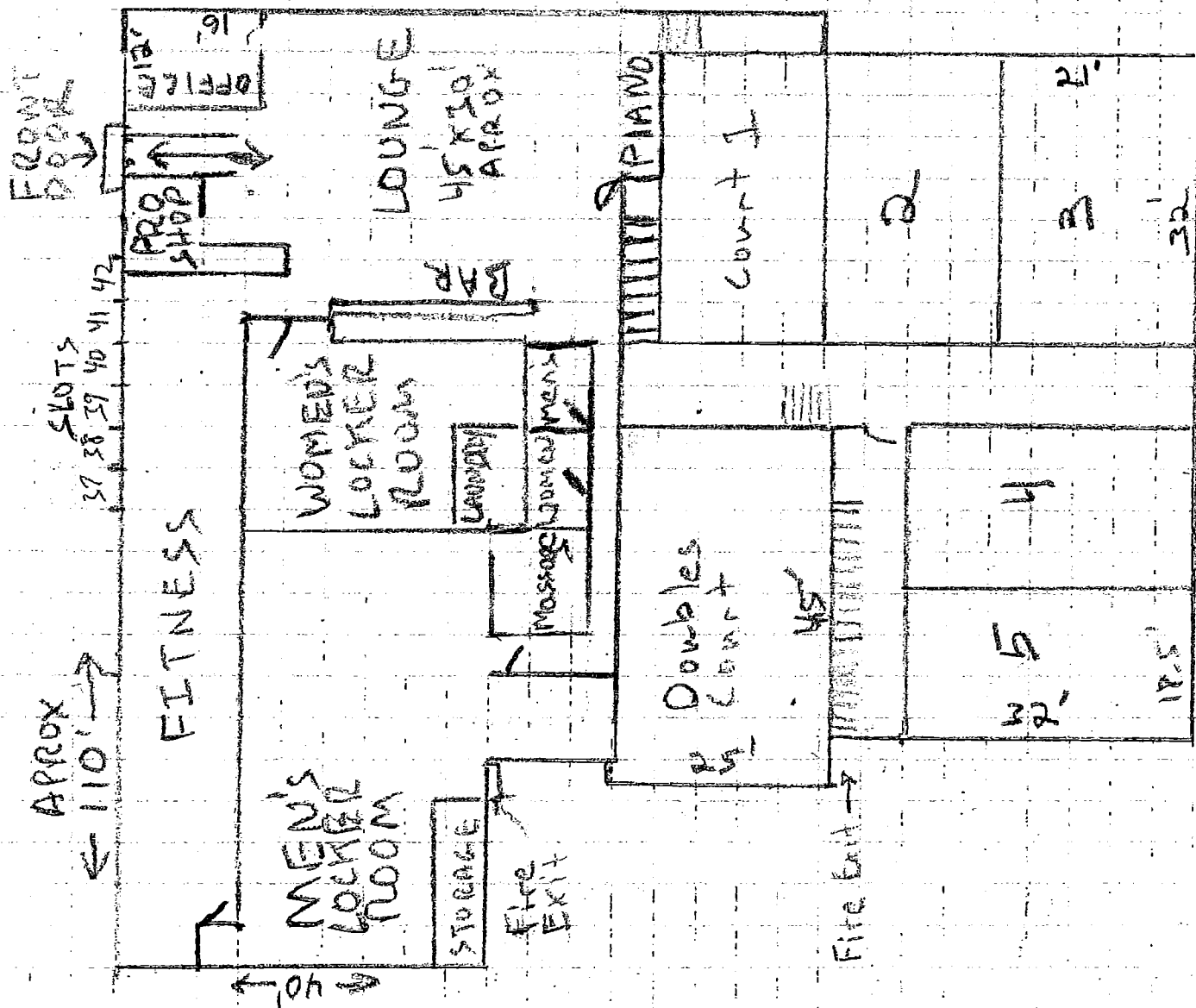
Respectfully,

M. John O'Brien

John O'Brien
651-228-1446

SQUASH PARKING LOT
 28 29 30 31 32 33 34 35 36
 12 9 8 5 2 26 27 00 00

COMMODORE HOTEL (Separate Business)



COMMODORE

SQUASH

CLUB

FLOOR PLAN

ZONING INDEX

SCU - Special Condition Use
 DSU - Determination of Similar Use ✓
 REZ - Rezoning
 CNU - Change In Nonconforming Use
 VAR - Variance
 AR - Administrative Review
 SPR - Site Plan Review

79 Western Ave. N.
 Street
 S.W. cor. Ashland and Western
 Location

| Legal | Applicant | Type | ZF # | Action | Date |
|---|-----------------|------|------|----------|---------|
| Lots 1,2,3,4,5, & E. 20 feet of Lot 6, Lots 22, 21, 20, 19, 18, & E. 20 feet of 17, Block 13 Woodland Park Add. | Thomond O'Brien | SPR | 270 | Approved | 7-25-80 |
| same | J. Holtinger | P | 229 | Approved | - -35 |

Rev. June '81

N. Lots 1 & 2 - Blk 13 - Woodland Park
 Western (West side between Ashland & Holly)

(Street) (No. (Location)

Hotel Commodore

Applicant

Filling Station ☐

Parking Lot ☒

Used Car Lot ☐

Other ☐

Council Disposition:

Withdrawn Denied Approved X

October 29 1954

Month Day Year

170717

C. F. No.

Board of Zoning 19

Checked by J. W. C.

BOARD OF ZONING
INDEX CARD

HOLLY

Street

North side between Arundel & Western

Location
& Legal

Applicant
& Use

*CL

ZF

Council
Action

Date

Lots 18-20 and E 20' of 17,
Block 13, Woodland Park
Addn.

Hotel Commodore, Inc.
Install 24-car parking lot

P

7551

Plans approved

11-30-73

*Key: AM - Amendment; AP - Appeal; P - Permit

support

Holmes, Hilary (CI-StPaul)

From: Kinney, Sarah K <SKinney@CBBURNET.COM>
Sent: Monday, May 27, 2013 12:01 PM
To: Holmes, Hilary (CI-StPaul)
Subject: File# 13-186-635

To: Saint Paul Planning Commission Zoning Committee

I am in favor of the change of non conforming use to allow private liquor service to members of the existing squash club at 79 Western Avenue North, the Commodore Squash Club.

I am sorry that I am unable to attend the hearing on June 6th, 2013.

Sincerely,

Sarah Kinney
78 Arundel Street
Saint Paul, MN 55102

651-231-3211

The information in this electronic mail message is the sender's confidential business and may be legally privileged. It is intended solely for the addressee(s). Access to this internet electronic mail message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it is prohibited and may be unlawful.

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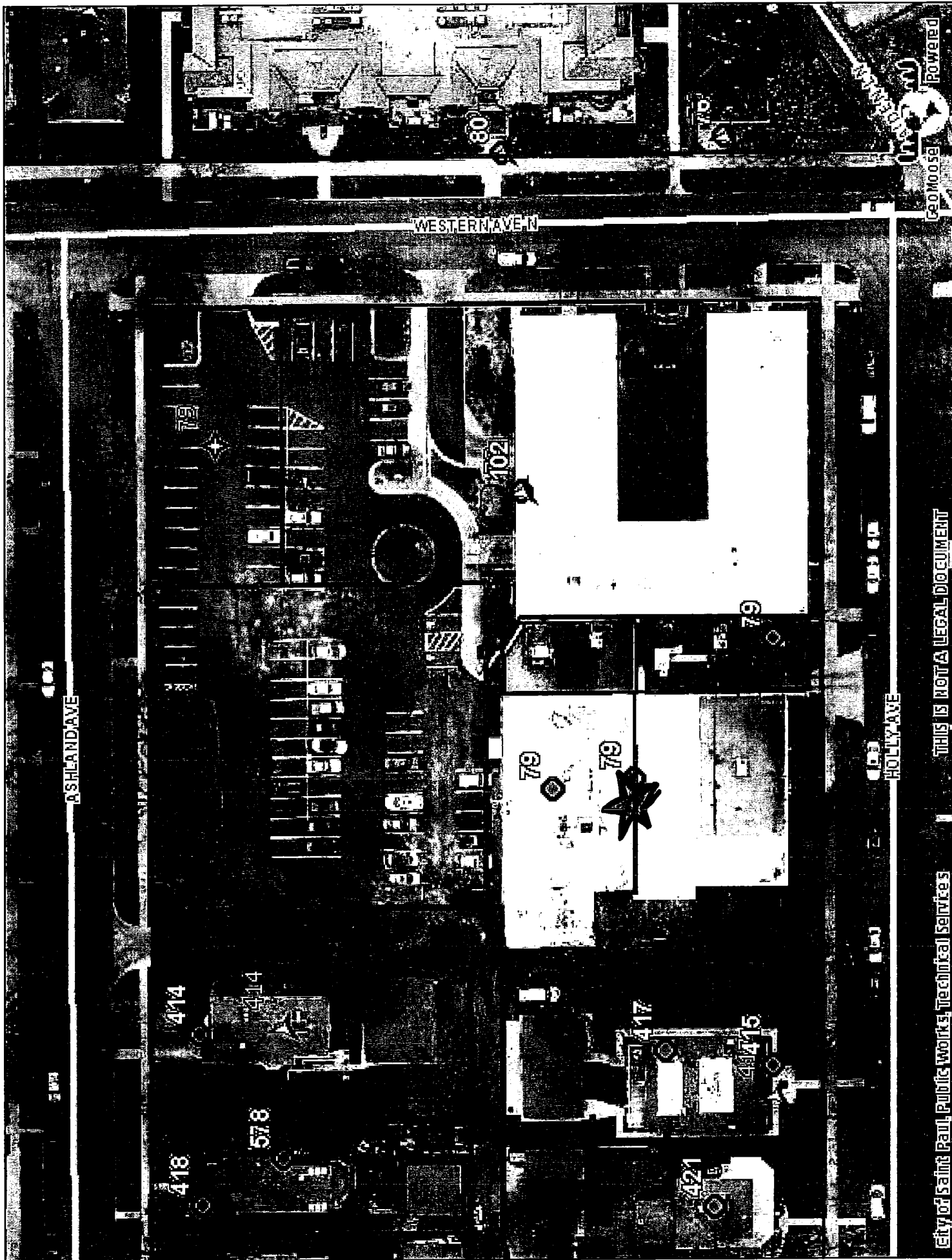
opposition

Holmes, Hilary (CI-StPaul)

From: MAUREEN O BRIEN Owner <maureensgoodlife@centurylink.net>
Sent: Wednesday, May 29, 2013 9:36 AM
To: Holmes, Hilary (CI-StPaul)
Subject: File # 13-186-635

Dear Ms Holmes:

As a neighbor living in close proximity to the Squash Club, I am against Mr. O'Brien's request for private liquor service to his club.



THIS IS NOT A LEGAL DOCUMENT

City of Saint Paul, Public Works, Technical Services

WESTERN

ASHLAND

(245)

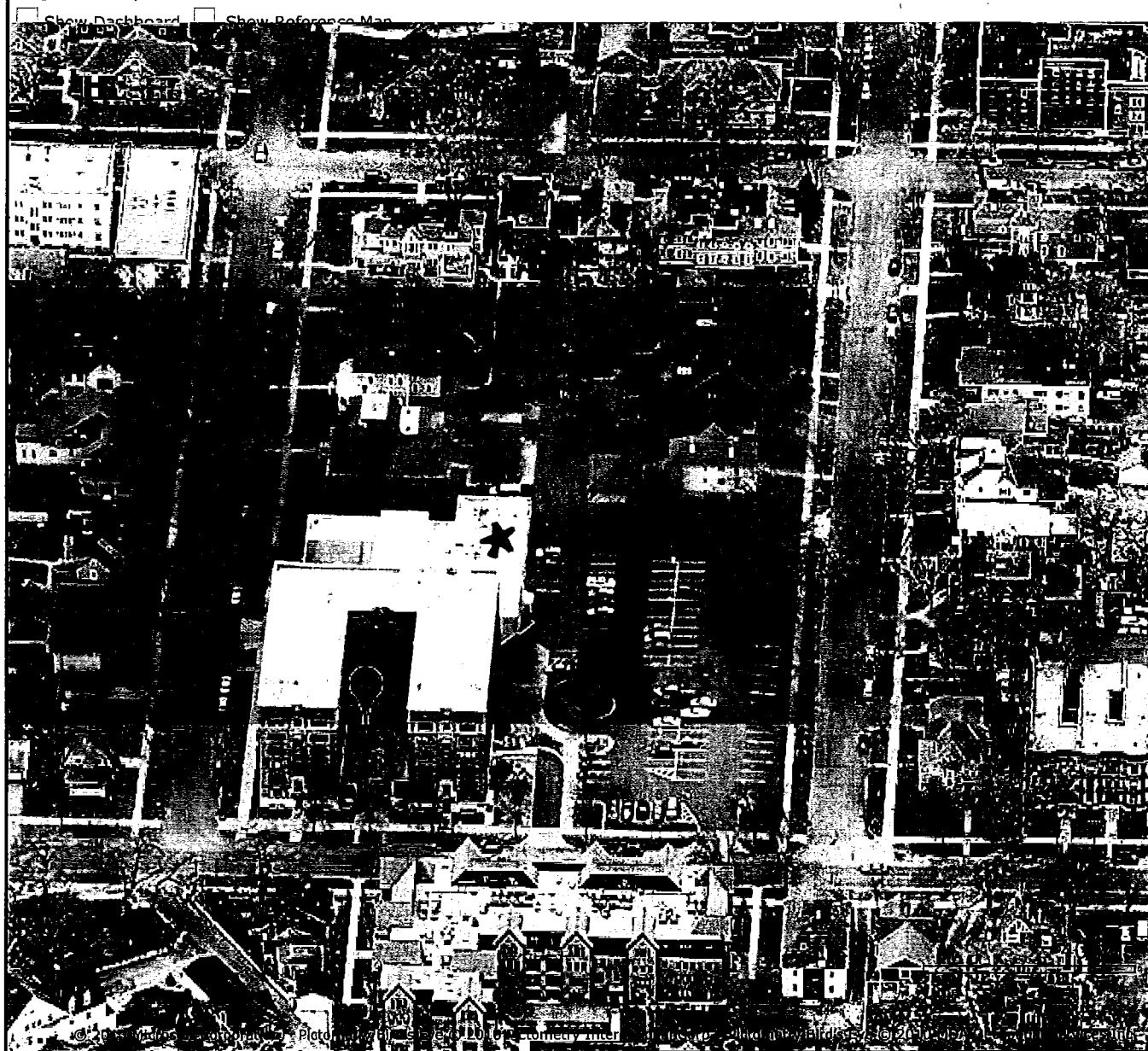
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HOLLY

GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006



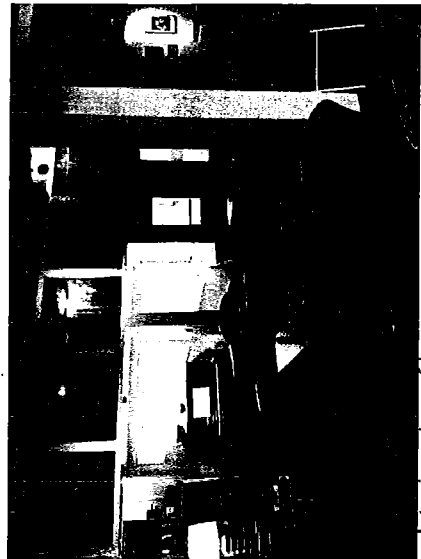




East, looking towards Western Ave, multi-family residential



Looking west down Arundel, residential



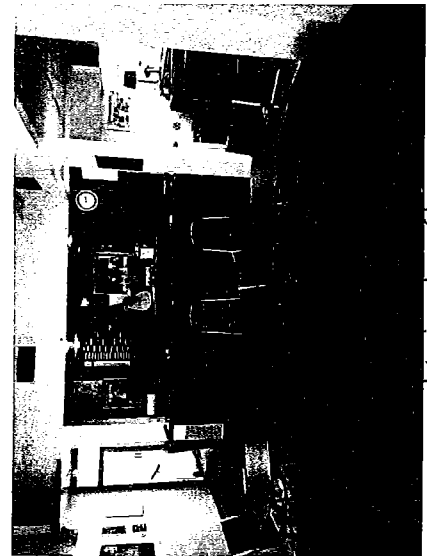
Interior, view of lounge area, entrance to courts



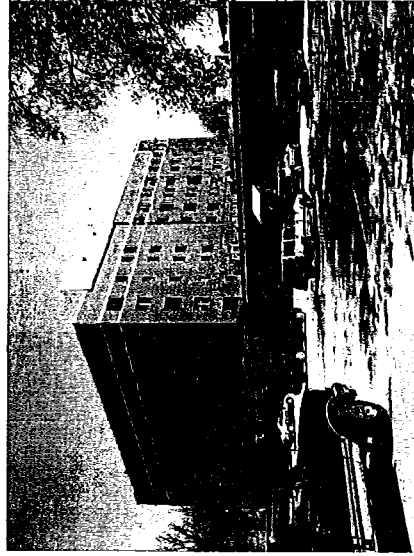
East, Commodore Condo and Squash Club parking lot, squash club on right



Interior, lounge area from entrance, bar on right



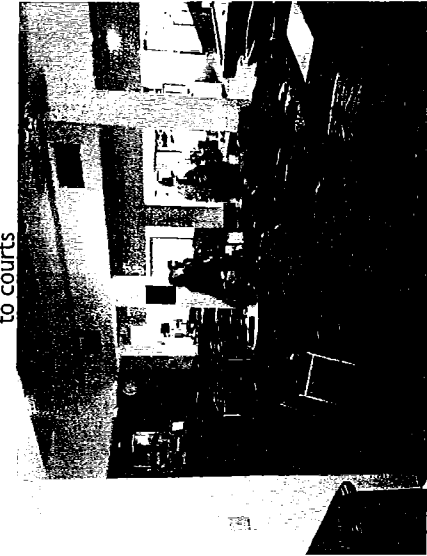
Interior, view of bar



View Southwest, Squash Club entrance, rear of Commodore Condo building



Interior, looking from office through lounge/bar area to courts



Interior, looking towards entrance through lounge

Commodore Squash Club, 79 Western Avenue N



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: June 7, 2013
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of June 6, 2013 Zoning Committee Hearing

NEW BUSINESS

1. Commodore Squash Club (13-186-635)

Change of nonconforming use to allow private liquor service to members of existing squash club

Address: 79 Western Ave N
between Arundel and Western

District Comment: District 8 recommended approval

Support: 0 people spoke, 2 letters

Opposition: 0 people spoke, 1 letter

Hearing: Hearing is closed

Motion: Approval with a condition

| <u>Staff</u> | <u>Recommendation</u> <u>Committee</u> |
|--------------|---|
|--------------|---|

Approval with a
condition

Approval with
a condition
(5 - 0)

city of saint paul
planning commission resolution
file number
date

WHEREAS, Commodore Squash Club, Mr John O'Brien, File # 13-186-635, has applied for a Change of nonconforming use to allow private liquor service to members of existing squash club under the provisions of §62.109(c) of the Saint Paul Legislative Code, on property located at 79 Western Ave N, Parcel Identification Number (PIN) 012823240220, legally described as Woodland Park Addition to St Ex Garage Parcel Below Elev 222.57 Ft Thru 240.15 Ft St Paul Datum As Desc In Doc No. 2084985, The Fol; Vac Alley Accruing & S 6.29 Ft Of W 31.25 Ft, Ex E2.35 Ft Of N 131.76 Ft, Lot 19, E 20 Ft Of Lot 17 & All Of Lot 18 Blk 13; and

WHEREAS, the Zoning Committee of the Planning Commission, on June 6, 2013, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of §61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The squash club is located at the west and rear of the Commodore Condominium building and has been in continuous use as a member-only club since 1976. The hours of operation are currently 5:30 a.m.-10:00 p.m. and are not proposed to change, with the exception of private squash club member events in which case the club would be open until 12:00 midnight. The club has a secured entrance. The club currently has 105 members. Invited guests of members are allowed, accompanied by the member. A liquor license would be accessory and specific to the squash club.
2. Section 62.109(c) states: *The Planning Commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed, if the commission makes the following findings:*
 - a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. The proposed use will remain a squash club, with an accessory liquor license for private liquor service to members. This is equally appropriate to the neighborhood as the existing nonconforming use since it does not intensify the primary use. Health/sports club (the squash club) is first permitted in the T2 traditional neighborhood district, whereas golf clubs that include private liquor service to members are first permitted as a conditional use in single-family residential districts.

moved by _____
seconded by _____
in favor _____
against _____

- b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The traffic patterns associated with the proposed use will be similar to those generated by the existing health/sport club use. The parking requirement is based on the primary use as a health/sport club, which remains the same; therefore the parking requirement will not change.
- c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The use will be consistent with the existing character of the neighborhood and will not endanger the public health, safety, or general welfare. It is an accessory service to an existing and limited membership club and is not dissimilar from the variety of mixed commercial and event uses along Selby Avenue and Summit Avenue.
- d. *The use is consistent with the comprehensive plan.* This finding is met. The Land Use Chapter in the Comprehensive Plan identifies the strategy to target growth in unique neighborhoods by "sustaining the character of Saint Paul's existing single-family neighborhoods while providing for the growth of mixed-use communities." The proposed use is consistent with Policy LU 1.7 to "permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods." Western Avenue is identified as a Residential Corridor; Residential Corridors are predominately characterized by medium density residential uses that connect to adjacent commercial areas. Therefore the proposed use is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Saint Paul Planning Commission, under the authority of the City's Legislative Code, that the application of Commodore Squash Club for a change of nonconforming use to allow private liquor service to members of existing squash club at 79 Western Ave N is hereby approved with the following condition:

1. Liquor service shall be limited to members of the squash club and their invited guests accompanied by the member, and limited to daytime and evening squash club hours, with no liquor service after 12:00 midnight.

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Commodore Squash Club **FILE #** 13-186-635
 2. **APPLICANT:** Commodore Squash Club **HEARING DATE:** June 6, 2013
 3. **TYPE OF APPLICATION:** Nonconforming Use Permit - Change
 4. **LOCATION:** 79 Western Ave N, between Arundel and Western
 5. **PIN & LEGAL DESCRIPTION:** 012823240220, Woodland Park Addition to St Ex Garage Parcel Below Elev 222.57 Ft Thru 240.15 Ft St Paul Datum As Desc In Doc No. 2084985, The Fol; Vac Alley Accruing & S 6.29 Ft Of W 31.25 Ft, Ex E2.35 Ft Of N 131.76 Ft, Lot 19, E 20 Ft Of Lot 17 & All Of Lot 18 Blk 13; 021823240245, Woodland Park Addition to St. Paul Vac Alley Accruing Subj to Ests the Fol Subj to Alley Lot 5 of Lots 3 & 4 Blk 13. *PIN 012823240075 is not included.*
 6. **PLANNING DISTRICT:** 8 **PRESENT ZONING:** RM2, RM3
 7. **ZONING CODE REFERENCE:** §62.109(c)
 8. **STAFF REPORT DATE:** May 28, 2013 **BY:** Hilary Holmes
 9. **DATE RECEIVED:** May 16, 2013 **60-DAY DEADLINE FOR ACTION:** July 15, 2013
-

- A. **PURPOSE:** Change of nonconforming use to allow private liquor service to members of existing squash club
- B. **PARCEL SIZE:** Club: 143 ft x 120 ft (17,850 sq ft) Parking lot: 150 ft x 150 ft (22,205 sq ft)
- C. **EXISTING LAND USE:** Health/sports club
- D. **SURROUNDING LAND USE:** The property is surrounded on all sides by a mix of residential uses.
North: Residential uses (RM2)
East: Residential/Institutional uses (RM2, RM3)
South: Residential uses (RT2)
West: Residential uses (RM2, RT2)
- E. **ZONING CODE CITATION:** §62.109(c) authorizes the Planning Commission to allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming use is first allowed upon making certain findings (see Section H below).
- F. **HISTORY/DISCUSSION:** A one-story garage was built on the site in 1925 for the Commodore Hotel and remodeled into classroom/office space in 1967 (DSI Building Permit history). Dwellings at 399-407 Holly Avenue (immediately south of the classroom/office) were demolished in 1968 and a zoning application for a 24 space parking lot approved in 1972. The classroom/office building was expanded onto the parking lot in 1976 to accommodate the squash club, which has been in continuous use since that time. In 1992, the club held liquor licenses for *Liquor on Sale-Over 100 seats* and *Liquor on Sale-Sunday*. In 1994 the club held a *Malt on Sale* (3.2) liquor license, which expired in 1998.
- G. **DISTRICT COUNCIL RECOMMENDATION:** The District 8 Council had not made a recommendation at the time of this staff report.
- H. **FINDINGS:**
 1. The squash club is located at the west and rear of the Commodore Condominium building and has been in continuous use as a member-only club since 1976. The hours of operation are currently 5:30 a.m.-10:00 p.m. and are not proposed to change, with the exception of private squash club member events in which case the club would be open until 12:00 midnight. The club has a secured entrance. The club currently has 105 members. Invited guests of members are allowed, accompanied by the member. A liquor license would be accessory and specific to the squash club.
 2. Section 62.109(c) states: *The Planning Commission may allow a nonconforming use to change to a use permitted in the district in which the nonconforming use is first allowed, or a use permitted in a district that is more restrictive than the district in which the nonconforming*

use is first allowed, if the commission makes the following findings:

- a. *The proposed use is equally appropriate or more appropriate to the neighborhood than the existing nonconforming use.* This finding is met. The proposed use will remain a squash club, with an accessory liquor license for private liquor service to members. This is equally appropriate to the neighborhood as the existing nonconforming use since it does not intensify the primary use. Health/sports club (the squash club) is first permitted in the T2 traditional neighborhood district, whereas golf clubs that include private liquor service to members are first permitted as a conditional use in single-family residential districts.
- b. *The traffic generated by the proposed use is similar to that generated by the existing nonconforming use.* This finding is met. The traffic patterns associated with the proposed use will be similar to those generated by the existing health/sport club use. The parking requirement is based on the primary use as a health/sport club, which remains the same; therefore the parking requirement will not change.
- c. *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The use will be consistent with the existing character of the neighborhood and will not endanger the public health, safety, or general welfare. It is an accessory service to an existing and limited membership club and is not dissimilar from the variety of mixed commercial and event uses along Selby Avenue and Summit Avenue.
- d. *The use is consistent with the comprehensive plan.* This finding is met. The Land Use Chapter in the Comprehensive Plan identifies the strategy to target growth in unique neighborhoods by "sustaining the character of Saint Paul's existing single-family neighborhoods while providing for the growth of mixed-use communities." The proposed use is consistent with Policy LU 1.7 to "permit neighborhood serving commercial businesses compatible with the character of Established Neighborhoods." Western Avenue is identified as a Residential Corridor; Residential Corridors are predominately characterized by medium density residential uses that connect to adjacent commercial areas. Therefore the proposed use is consistent with the Comprehensive Plan.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the Change of nonconforming use to allow private liquor service to members of the existing squash club subject to the following additional condition(s):

1. Liquor service shall be limited to members of the squash club and their invited guests accompanied by the member, and limited to daytime and evening squash club hours of operation, with no liquor service after 12:00 midnight.

June 6, 2013

Board of Directors

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Q. Brown Community
Center

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Harry Oda

Stephanie Stoessel

Dianne Moore

Hilary Holmes
Department of Planning and Economic Development
25 West Fourth Street
Saint Paul, MN 55102

Dear Ms. Holmes,

The board of directors of the Summit-University Planning Council heard the matter of the Commodore Squash Club's nonconforming use permit. Having seen the premises and met with John O'Brien, the club's proprietor, Jeff Gardner (chair of SUPC's Neighborhood Development Committee) recommended approval of this application.

After a long discussion, the board agreed that the club should be able to serve its patrons beer. We see no additional impact on the neighborhood as a result. As long as the Squash Club serves only its members, and does not function as a bar, we are supportive of this use.

Thank you,



Irna Landrum
Executive Director